

**UNITED STATES DISTRICT COURT
FOR THE Northern District of Illinois – CM/ECF NextGen 1.7.1.1
Eastern Division**

Douglas Johnson

Plaintiff,

v.

Case No.: 1:22-cv-03718

Honorable Robert W. Gettleman

Sheriff Thomas Dart, et al.

Defendant.

NOTIFICATION OF DOCKET ENTRY

This docket entry was made by the Clerk on Wednesday, March 27, 2024:

MINUTE entry before the Honorable Heather K. McShain: On 02/23/2024, the Court granted the parties' second motion for extension of time to complete fact discovery and cautioned the parties that no further extensions would be granted unless unforeseen and extraordinary circumstances prevented the parties from completing discovery by that date [50]. Pending before the Court is the parties' third motion for an extension of time to complete discovery, which seeks a 30-day extension of the discovery cutoff. The motion focuses on six depositions, five of which have been or will have been completed by the current 03/29/2024 discovery cutoff. The only deposition that will not be completed before that date is the Rule 30(b)(6) deposition of a representative for Sheriff Dart. According to the motion, plaintiff served the Rule 30(b)(6) notice on 01/12/2024, but the Sheriff did not raise any objection to the notice until 03/18/2024, less than two weeks before discovery was set to close. There is no explanation for the Sheriff's delay in raising an objection to the notice, other than the bare fact that a new attorney appeared for the Sheriff in mid-February. The motion further reports that delays in identifying an appropriate 30(b)(6) witness have occurred because the Sheriff's representative "has been on trial, in Federal Court, since March 18, 2024," and the ongoing trial proceedings have impeded defense counsel's ability to discuss this case with his client and the representative. The Court finds that the parties' extension motion does not comply with the 02/23/2024 order, as it does not demonstrate that any unforeseen or extraordinary circumstances have prevented the parties from completing fact discovery by 03/29/2024. To the contrary, and for unexplained reasons, defendant Dart waited two months, and until the eve of the discovery cutoff, to object to the Rule 30(b)(6) notice, and defense counsel's efforts to discuss the language of the notice with the representative were unsurprisingly impeded by the representative's need to attend a trial, which must have been scheduled a good deal in advance of the 03/18/2024 trial date. In the exercise of its broad discretion to control discovery, however, the Court will grant the parties' motion. The Court so rules only because the delay appears to be entirely attributable to the defense, and denying plaintiff the ability to depose the Rule 30(b)(6) witness would arguably prejudice plaintiff's case. Fact discovery is hereby extended until 04/29/2024. This is a FINAL EXTENSION, and no further extensions of the fact discovery period will be granted. The joint status report date of 04/03/2024 [50] is stricken and reset to 05/03/2024. The parties may contact chambers at any time (by email to Chambers_McShain@ilnd.uscourts.gov) if

they would like the Court's assistance with settlement. Mailed notice. (pk,)

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